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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/809,825

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EXAMINER

READY, BRYAN

ART UNIT

PAPER NUMBER

2852

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/809,825	Applicant(s) SAITOH ET AL.	
	Examiner Bryan P. Ready	Art Unit 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 7-8, 13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamashita et al. (US 5,873,009).

3. Regarding amended Claim 1, Yamashita et al. disclose a management system (Fig. 1) comprising a printing machine (P), a management apparatus (D) and a maintenance terminal (H, see also col. 1 lines 30-33) connected to one another over an external network (L, see also col. 1 lines 33-35), wherein said printing machine (P) generates use information (col. 5 lines 57-60) indicating contents of a printing operation and transmits said generated use information (col. 5 lines 57-60) to said management apparatus (D), and said management apparatus (D) receives said use information (col. 5 lines 57-60) sent from said printing machine (P), discriminates whether preventive maintenance (col. 1 lines 57-67) for said printing machine (P) is needed or not in accordance with said received use information (col. 5 lines 57-60), and transmits instruction information instructing preventive maintenance (col. 1 lines 57-67) to said maintenance terminal (H) when it is discriminated that said preventive maintenance (col. 1 lines 57-67) is needed, wherein a threshold value (col. 1, lines 57-67) indicating an upper limit of a number of printouts permitted to be made in a predetermined period in

association with said printing machine (P) is memorized by said management apparatus (D), and said use information generated by said printing machine (P) includes number-of-printouts information (col. 1, lines 53-56) indicating a counted number of sheets printed by said printing operation, and said management apparatus (D) discriminates whether or not said preventive maintenance for said printing machine (P) is needed based on a computed actual number of printouts (col. 1, lines 53-56) in said predetermined period from said number-of-printouts information included in said use information sent from said printing machine (P) and said threshold value memorized by said management apparatus (D).

Regarding Claim 3, Yamashita et al. disclose a management system (Fig. 1) wherein said management apparatus (D) memorizes maintenance field information (col. 1 lines 45-51) indicating a field of maintenance which is carried out by a maintenance person (col. 1 lines 64-67) who uses a maintenance terminal (H), specifies said maintenance terminal (H) of said maintenance person (col. 1 lines 64-67) who maintains said printing machine (P), when it is discriminated that said preventive maintenance (col. 1 lines 57-67) is needed, based on contents of said preventive maintenance (col. 1 lines 57-67) discriminated as necessary and said maintenance field information (col. 1 lines 45-51), and transmits instruction information (col. 1 lines 34-37) to said specified maintenance terminal (H).

Regarding amended Claim 7, Yamashita et al. disclose a machine management apparatus (Fig. 1) which is connected to an external printing machine (P) and an external maintenance terminal (H) over an external network (L) and has: a

communication control device (D) that receives use information sent from said printing machine (P); and a processor (Fig. 4 element 23) that discriminates whether preventive maintenance (col. 1 lines 57-67) for said printing machine (P) is needed or not in accordance with said use information (col. 5 lines 57-60) received by said communication control device (D), and generates instruction information (col. 1 lines 34-37) instructing preventive maintenance to said maintenance terminal (H), wherein a threshold value (col. 1, lines 57-67) indicating an upper limit of a number of printouts permitted to be made in a predetermined period in association with said printing machine (P) is memorized by said management apparatus (D), and said use information generated by said printing machine (P) includes number-of-printouts information indicating a counted number of sheets (col. 1, lines 53-56) printed by said printing operation, and said processor (Fig. 4 element 23) discriminates whether or not said preventive maintenance for said printing machine (P) is needed based on a computed actual number of printouts (col. 1, lines 53-56) in said predetermined period from said number-of-printouts information (col. 1, lines 53-56) included in said use information sent from said printing machine (P) and said memorized threshold value (col. 1, lines 57-67), and said communication control device (D) transmits said instruction information (col. 1 lines 34-37) to said maintenance terminal (H) when it is discriminated that said preventive maintenance (col. 1 lines 57-67) is needed.

Regarding Claim 8, Yamashita et al. further disclose a machine management apparatus (Fig. 1) having a memory (Fig. 4 element 26) which stores maintenance field information (col. 1 lines 45-51) indicating a field of maintenance which is carried out by

a maintenance person (col. 1 lines 64-67) who uses a maintenance terminal (H), and wherein when having discriminated that said preventive maintenance (col. 1 lines 57-67) is needed, said processor (Fig. 4 element 23) specifies said maintenance terminal (H) of said maintenance person (col. 1 lines 64-67) who maintains said printing machine (P), based on contents of said preventive maintenance (col. 1 lines 57-67) discriminated as necessary and said maintenance field information (col. 1 lines 45-51), and said communication control device (D) transmits instruction information (col. 1 lines 34-37) to said specified maintenance terminal (H).

Regarding Claim 13 and 15, Yamashita et al. disclose (Fig. 4): a computer readable medium (25), having a program recorded therein, and a computer data signal buried in a carrier (24) and expressing a program that allows a computer having a communication control device (D) to function as a machine management apparatus (D); wherein a threshold value (col. 1, lines 57-67) indicating an upper limit of a number of printouts permitted to be made in a predetermined period in association with said printing machine (P) is memorized, and said use information sent from said printing machine (P) includes number-of-printouts information indicating a counted number of sheets (col. 1, lines 53-56) printed by said printing operation, and said program allows said computer to discriminate whether or not said preventive maintenance for said printing machine (P) is needed based on a computed actual number of printouts (col. 1, lines 53-56) in said predetermined period from said number-of-printouts information included in said use information sent from said printing machine (P) and said memorized threshold value (col. 1, lines 57-67).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 4-6, 9-12, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita et al. (US 5,873,009) in view of Yacoub (US 6,552,813).

a. Yamashita et al. disclose the elements as outlined above (see 102b rejections, section 3) and in addition discloses the use of a user terminal (Fig. 3 element 18).

Yamashita et al. also disclose (Fig. 1) a printing machine (P) generating use information (col. 1, lines 25-29) indicating contents of a printing operation and transmits said generated use information to said management apparatus (D), and said management apparatus (D) receives said use information (col. 1 lines 25-29) sent from said printing machine (P), discriminates whether urgent maintenance for said printing machine (P) is

needed or not in accordance with said received use information (col. 1 lines 25-29) and, transmits instruction information instructing preventive maintenance to a maintenance terminal (H) when it is discriminated that said preventive maintenance is needed (col. 1, lines 64-67), and in a case where received trouble information indicating contents of an occurred trouble (a paper jam for example; col. 1, lines 25-29) generated by and sent from said printing machine (P), said management apparatus (D) discriminates whether urgent maintenance is required in accordance (col. 1, lines 64-67).

b. Yamashita et al. differs from the instant claimed invention in not disclosing a management system including a substitute printing machine, wherein a management apparatus transmits substitution information of said substitute printing machine to be a substitute output destination to a user terminal which is using said printing machine. Additionally, Yamashita et al. differs from the instant claimed invention in not disclosing a management apparatus, wherein a driver program, which is to be run by said printing machine, is installed, beforehand, in the user terminal.

c. Yacoub discloses a management system (Fig. 2, see corresponding disclosure for details) including a substitute-printing machine (associated with step 260), wherein a management apparatus transmits substitution information (step 250) of said substitute printing machine (associated with step 260) to be a substitute output destination to a user terminal (associated with step 270) that is using a printing machine (associated with step 200). Additionally, Yacoub discloses a driver program, which is to be run by said printing machine, installed beforehand in the user terminal (col. 5 lines 22-27).

d. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the substitute-printing principles and user notification software of Yacoub with the general management system concepts of Yamashita et al. for the benefit of a truly networked printer management system, whereby a user would not have to choose a different printer or figure out where the closest printer matching his or her job needs is located. (Yacoub, Background of the Invention, beginning line 62).

Response to Arguments

7. Applicant's arguments filed July 7, 2006 have been fully considered but they are not persuasive.

8. Applicant argues the disclosure of Yamashita et al. fails to disclose or suggest a management apparatus that determines whether or not a printing machine requires preventive maintenance based on a computed actual number of printouts in a predetermined period, said determination being made on (a) the number-of printouts information included in the use information sent from the printing machine and (b) the threshold value memorized by the management apparatus. Additionally, Applicant references Yamashita; col. 8, line 67 to col. 9, line 8, and points out that the disclosure suggests calculating an average count per day during a period in which no communication is present between the apparatus D and the host computer H.

In response, Examiner respectfully directs Applicant's attention to Yamashita et al., col. 1, lines 45-67, in which Yamashita et al. disclose a management apparatus that determines whether or not a printing machine requires preventive maintenance when any

of a plurality of resettable count fields reaches a total count, wherein 'a total count is incremented every time a paper-feed action takes place'. Yamashita et al. disclose the determining factors for preventive maintenance to be (a) total actual incremented counts and (b) set threshold values.

Additionally, Examiner submits that the Yamashita et al. disclosure of columns 8-9, relating to the calculation of average counts during a time period in which no communication is present with the host computer, suggests employing an averaging method only during periods in which communication between the host computer and communication device fails. 'A component PM is issued based on calculations performed during communication between the device D and the host computer H, during regular communication sessions (Yamashita et al., col. 8, lines 63-67).'

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

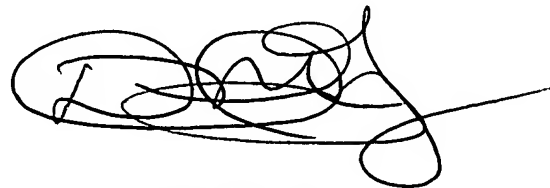
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan P. Ready whose telephone number is (571) 272-9018. The examiner can normally be reached on Mon.-Fri., 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on (571) 272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BPR

A handwritten signature in black ink, appearing to read 'D. M. Gray', with a long horizontal line extending to the right.

DAVID M. GRAY
SUPERVISORY PATENT EXAMINER